

1888 87.
(L-R)

File No. 629
Serial No. 1-4

Sub: Appeal of Basavalingappa late
Patel of Koppahalli
Shikaripuri Taluk praying
for the restoration of the
Patelship of the said village

66

100772
G. R. S. IX-5]

Previous references.

1388-89

192-

(K. R.)

File No. 623

Serial Nos. 1-4

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-4

~~Major~~ Part B for March 1893.

SUBJECT.

Appeal of Basanna Lingappa Late Patel
of Kappanahalli, Shikaripur Taluk,
praying for the restoration of the Patole
of the said village.

To,

Basanna Lingappa, Late Patel
of Kappanahalli, Shikaripur

No 2203 Dated 11.3.94.

100772

Informing him that his appeal is rejected.

100772

1900-1901

GOVERNMENT OF MYSORE

P E T I T I O N

PROCEEDINGS

Dated 10—11th December 1900

No. 4484-91
P. F. 18 of 1900

Declining to uphold the Tumkur Deputy Commissioner's order directing division of the shanbhogi circles of Lingenhalli, &c., villages, Maddagiri taluk, between Lingappa and Gundappa (respondents in Appeal No. 51 of 1898-99); and remitting the case to the Deputy Commissioner for orders in accordance with the provisions of Section 29 of Potgi Rules.

Proceedings of the Government of Mysore, Petition, dated 10—11th December 1900

Appeal No. 51 of 1898-99.

Present:

P. N. KRISHNA MURTI, Esquire, C. I. E.,

AND

V. P. MADHAVA RAO, Esquire, C. I. E.

Appellant
Surappa.

Versus

Respondents
1. Lingappa.
2. Gundappa.

READ—

Petition of appeal presented by Surappa of Siddapur village in the Maddagiri taluk, against the order of the Deputy Commissioner, Tumkur district, approving of the Amildar's recommendation to a division of the shanbhogi circles of Lingenhalli and other villages in the said taluk, between the 1st and 2nd respondents (brother and paternal uncle, respectively of the appellant), with the modification that the latter should pay Rs. 5 annually to the former in order to equalize their potgis.

(2) Letter No. 906, dated the 29th May 1900, from the Deputy Commissioner, Tumkur district, reporting on the above.

(3) Records of the case.

No. 4484-91—P. F. 18 of 1900, DATED BANGALORE, 10—11TH DECEMBER 1900.

ORDER THEREON—It is objectionable to have more than one circle in the charge of a single officiator and to direct payment of any portion of potgi allowance by one to another. The Deputy Commissioner's order which errs in both these respects cannot be upheld.

2. The case will be remitted to the Deputy Commissioner, who will be requested to pass orders in accordance with the provisions of Section 29 of the Potgi Rules, taking into consideration the claims of all the coparceners.

L. ANANTASAMI RAO,
Offg. Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioner, Tumkur District, with records.
The Deputy Commissioners of other Districts.

Exd.—c.v.

2 23299293

1-56. ... (6)

Appeal No. 2203
dated 21st Decr 1888

x
Acres 29.26
and Rs 92

Appellant Basavalingappa
begs that he may be
restored to his appointment
of Pottail, or if this relief
cannot be granted, he
prays that the service law
may be restored to him
its assessment being ma-
kayable to the present Poto

The Appellant was
dismissed from his office in
1866 on the ground that he
was convicted under Sect.
189 & 187 of the Penal Code
threatening a Public servant
with injury & wounding & neglect
to aid a Public servant in
the discharge of his Public
duty. The dismissal was
confirmed by the Chief
Commissioner in 1868. The
matter cannot be now
re-opened. The Chief
Commissioner directed also that
man appointed in his
place should be
collected. The Dy. Supt.
replied that there was
collateral evidence
to the effect that

The appointment was conferred
on one Bylappa^{mma} - a stranger
to the family. - This was in 1869.

It now appears that there
were some collaterals whose
fit whose names were not
mentioned by the De Sapt -
But the appointment made
so long ago cannot now be
disturbed, & conferred on a
collateral. This is not also
the object of the appeal.

The office may go to the go
back when it becomes
vacant.

The point which requires
consideration is whether
the appellants should have
or service lands restored to
them on the condition of paying
the full assessment thereon.
Bylamma, or whether they
should be left in to continue
in the possession of the latter.

The Pottig rules do not
contemplate the dispossession
of official lands. Rule ~~XXIII~~ distinctly
^{but it} states the official lands
are form no part of the
immuneration of the officer & that
he is to be paid wholly in
"cash" - The lands may
therefore be restored to their
original use in the payment of full
survey assessment - The difference
between the full ass & existing mode
towards the payment of
immuneration to the officer
mma. -

Santhan Desai
Pro 16. 1885
Honn. Mr. Justice
Appeal.

10

Academy
 21. 10. 1889
 H. 1

Hearing fixed
 27th June
 1889 Murray

Adjourned at the request
 of the Appellant to
 25th July 1889.
 Res. notice to Respondt
 H. 1
 27/6/89

Petition No 2203 dated
2nd Decr 1888

Petitioner

Maavalingappa,
late Patel of
Kopankalli

Petitioner was dismissed
in 1866 on the ground that
he was convicted under
Sections 189 & 187 of the
Penal Code with threatening
Public servant with injury
carefully neglecting his
Public servant in the
discharge of his Public
duty. - The dismissal
was confirmed by the
Magistrate in 1868,
the appointment was
conferred on a stranger
named Bylappa in 1869
& the Inam lands
attached to the office
were made over to
him. -

5
The Patil was
referred to the Dy Commr
for report especially
in regard to his request
for the possession of
the lands according to
the practice in the Madras
Presidency.

The Dy Commr considers
that "Bylappa has no
right either to the Patil
or to the lands & there-
fore in my humble opinion
see no hardship in
restoring the family with the
lands to Masalingappa".
~~The Patil, as regards the~~
previous practice in this
Province, the Dy Commr
states that there are cases
in which ~~the Patil was~~
~~deprived of his~~
~~possession of the land~~
~~granted in their stead~~
~~have been decided by~~
~~the~~ the distressed
village officers were not
disturbed in the possession
of their own lands but
were simply ordered to
make over the assets
to the office holders, &

that there are also cases in which the Sumos were bodily transferred to the men newly appointed. —

As regards ^{the} practice in the Madras Presidency the Dy Commr refers to enfranchised village service Sumos, which are treated as the private property of the holders, & states that under the Pagar rules, the village service Sumos in this Province also may be regarded as virtually enfranchised.

~~It is~~ Whether the Sumos in this Province can be regarded as virtually enfranchised or not, which is a large question, it seems clear that when a hereditary village head is dismissed, & a stranger is appointed in his place, it would be hard to transfer the Sumo lands attached to the office to the stranger so appointed.

In the Madras Presidency

7

~~that~~ the rule in such cases is as follows

Ord S.O No 173
para 6

"Lastly there is the case of the Village Officer who is dismissed under circumstances which render it inadvisable to appoint the heir even though the latter is unconnected with the offence. In such cases also the heir should be registered & a gumasta appointed."

... Further nothing in this rule as to who should enjoy the Suam land, whether the dismissed officer or the gumasta, but there is a general rule, that when gumastas are appointed they should get only the assessment: vide para 3 Ord S.O No 173. There was a time even in the Madras Presidency where the Suam lands of dismissed officers were bodily transferred to the persons appointed to the office, but the

dismissed officer

present tendency is
not to disturb possessors
but only make the arrest
of the lands payable
to the office holders,
as all service lands
are about to be
suppressed. —

Under all the
foregoing circumstances,
& considering the very
trivial nature of the offence
committed by the Patilone, he
would restore the Patilone
to his office & the Suam
lands. ~~He has been out of office~~
He has been out of office
for upwards of 20 years & this
is an ample punishment for
any offence he has committed. —
As regards Suam lands,
a general rule may be
laid down, that when a
hereditary officer is dismissed
& a stranger unconnected
with the family has to be
appointed, the possession
of the Suam lands by the
dismissed servant should
not be disturbed, but he should
only be called upon to ~~pay~~
pay the assess of the land
to the office holder. — When

The present
cash remuneration
entails a heavy
cost. I am in
favor of ^{treating it} ~~the~~
the Suam land
as part of the
emoluments of
the office holder.

9

the man newly appointed
is a member of the
family, he may have
the lands also. —

With these remarks
the papers will be
submitted to the Dewan
for disposal. —

We do not feel
competent to pass final
orders, as the decision
involves the cancellation
of the Chief's order
& the introduction of
a new general rule.

McKenzie
29/7/29

When the
is cancelled the
as a result & leave
the disquiet may
be permission on
full agreement,
but we can't ~~out~~
the 1/2 in the present
case must the
Office of lands be
in possession for
the 10 yrs. To do
it will be more ~~just~~
to let them the
Pit's injustice now
30 yrs old h.

mems 16-12-92

I do not consider
it advisable to reopen
a case which was
decided by the late
Chief (died 20 years
ago) — The present
speculation, possession of
the Mudi lands,
extending over a period
more than 12 years,
cannot be interfered

10
 with. Even if per-
 haps a right title
 lands notwithstanding
 is nominal from this,
 the claim is clearly
 cancelled by limitation.

The question whether
 the Patels being with
 the lands lands attached
 hereto, should not revert
 to the joint, may
 perhaps be considered
 when the office becomes
 vacant. For the present
 I would not interfere
 with the order passed
 in 1869—

3. July 1889 R. Munshi (Chief)

To be sent to D. D. D. D.

100
 100
 100

100

100
 100
 100

Reference
24/5/89

11

Sir
Submitted
6.15.23/3

To be laid before the
Councillors
23/5/89

(General Serial No. 29.)



From

The Dy. Commissioner
Shimoga District

To

The Chief Secretary to the Government
of Mysore.

Ld. 62-88-1 (4)

Dated 17th May 1889

Despatched 18th

Received

Enclosures No. 2 memos
2 genealogical trees
1 petition with annex
record of the case.

General No. 108
No. 98

Sir.

With reference
to your official
memorandum No:
60 dated 26th December
1888 calling for a
report with proceedings
on the petition of
Mr E. S. Subrayya, Advocate
for Basalingappa
Kappanahalli,
Shikarpur Taluk,
and calling my

2
23/5

attention to the remarks
of the Dewan on the petition
as per margin, I have
the honor to submit the
entire proceedings together
with a memorandum
of the whole case.

2. Against each ground
of appeal I give the
facts of the case and
the rules and practice
applicable to them.

3. The appeal petition
of Basalingappa with its
enclosures are also
returned.

I have the honor to be

Sr.

Your most obedt. servt.

M. N. Mahabhar
dy Commissioner

M. N.

Report on the petition of Mr. K. S. Subraman
Advocate on behalf of Basalingappa
of Thappamballi, Chikmagalur Taluk

(4/10)

Ground No 2.

1

That the
petitioner was
dismissed for
having been
convicted in
a comparatively
trivial case
of abusing a
public servant,
the said dismissal
being opposed to
the standing orders
and circulars.

It is a fact that the
offence is a trivial one
(see para 4 of the memo),
but there is nothing
wrong in the dismissal
of the man (see General
Circular No 5 of 1872-73
page 269 of the Revenue
Manual and Chief Com:
= missioner's Proceedings
No 10279 dated 11th February
1879, page 271 Revenue
Manual), and the dis:
= missal was confirmed
by the Chief Commissioner
(see para 17 of the
memo).

Ground No 3.

2

There is considerable
force

force in this argument. It is true that the Chief Commissioner directed that a person unconnected with the petitioner (Basalingappa) should be nominated Potel (para 7 of the memo), and subsequently remarked "that in the absence of a collateral relative of Basalingia, the dismissed Potel of Thappanahalli in the Thikampur Taluk, his brother Panna Byappa, who is not favorably reported on, should not be nominated, and that the appointment of

That on a representation made by the petitioner to the effect that the offence was not of a native nature - tailing the forgery of the "Hald", the late Chief Commissioner was pleased to order that a collateral of the petitioner should be appointed to the office in preference to a stranger, which order was never carried into effect up to now.

15 of Bylanna to the Office
should hold good: (para
17 of the memo). But
the latter order is based
on the letter of the Deputy
Superintendent No. 554
dated 25th August 1869
which again was
based on the report
of the Amildar No. 343
dated 26th July 1869.

3. It will be seen
from the Amildar's
report and the genealogical
tree appended thereto
that there were many
collateral relatives of the
dismissed Potet Bosa:
= Lingappa, and these,
under the present
practice and also

Mr. J. D. C.

under the old practice 16
as summarized in

general circular no. 5
of 1872-73, should have
succeeded to the office
and also to the rights
attached to it. If the
collateral was a minor
or otherwise unfit,
a *gumashta* could
have been appointed.

The "hagq" would never
have passed to a stranger.
But the Chief Commis-
sioner in his Secretary's
letter no 3066 dated 10th

77
September 1869 / para

17 of the memo) ruled
that, under the cir-

cumstances represented
by

17 By the Deputy Superintendent,
Bylappa's appointment
should hold good.

4 The Advocate for
the petitioner is wrong
in saying that the
Chief Commissioner's
orders in the case
were not carried out.

But, as observed above,
the Chief Commissioner's
orders were passed
under a mistake of
facts, and I do not
see any reason, now
that it is found that
a collateral was in
existence at the time
the Chief Commissioner
passed the order, why
the "haff" should not

be retransferred to the collateral. according to the law and practice in these matters. 18

5. The Advocate Opinion No. 11
forgets that this order was issued long after the decision in the case under consideration was passed, and that it is not competent for subordinate officers to review the orders of their superiors or to give retrospective effect to the orders of Government. The Police Officer and the Deputy Commissioner who disposed of the application of the petitioner failed to adopt the very equitable course prescribed in the Dewan's Proceedings No: 927-34 dated 9th 17 May 1881.

6. This refers to a Opinion No. 8.
very important point.

It would have been satisfactory
The Law in British India regarding man-
lands in the occupation of

dismissed village
servants, is that
such lands are
assessed by the
government and
confirmed to the
servant while
his successor
being paid money
realized by the
assessment, and the
petitioner respectfully
urges, that the
law in this Province,
is to the best of
his knowledge,
the same.

9
Satisfactory if the Advocate
had been specific
as to the portion of
British India the
law of which he was
relying on in support
of his contention. As
regards fully assessing
the unble lands and
paying over the "jari"
amount to the officiator,
this course, I believe,
is generally adopted
where there has been
no Potgi settlement.

This has been the
principle on which
the cases as per margin
in which the Potels
were dismissed and
men unconnected

According to the
No 25696
84
dated 17th September

1884.

with them ~~now~~ appointed 20
in their stead, have been
decided by Government.

Even when the successor
was a person belonging

to the Potel family the
Government has generally

been unwilling to dis:

tribute possession of

Umbli land in the

enjoyment of the dis:

missed Potel. There

have, however, been

within recent years

a few instances in

this district in which

the Umbli lands

themselves have been

transferred to the

newly appointed Potel.

When, as in the instance
quoted

21 quoted in para 23 of
the memo, the successor
happens to be of the
family of the Hereditary
Officer, there may not
be much hardship in
transferring possession
of Urubli lands, at
any rate, not much
injustice. But in the
present case, the newly
appointed man was
an utter stranger to
the family, in fact
was of a different
caste altogether, and
the offence itself, as
observed in connection
with ground no 3, was
not such as would
entail

22

entail the forfeiture
of the "hagff" under
para 7 of the general
circular no. 5 of 1872-73;
and even in the case
of such an offence,
the "hagff" under the
old rules, would not
pass quite out of the
family; for it is ruled
that "in such cases,
a divided brother or
a cousin of the
dismissed individual,
having no joint in-
terest with him, may
succeed to the office
and the rights attached
to it, if considered in
all respects fitted
therefor,

23

therefore, and no objection exists to such an arrangement." / Para 7 of general circular no. 5 of 1872-73).

7. General circular no. 5 summarizes the practice that obtained before the framing of the Potgi Rules. As a rule the possession of lands was rarely interfered with under the old rules, and did not generally pass with the transfers of the Potgi.

8. Under the Potgi Rules also, even a conviction under

"Inalienation in the ^U
performance of official
duties" only entailed
the official's dismissal,
and when the case
called for severer
punishment, it was
provided "that it shall
also be in the power
of the District Officer
to exclude the son of
a person so convicted
from any of the
rights and privileges
of the office in so
far as succession
or election to the
performance of the
duties". Rule XXXI.

The Rules do not
apparently

apparently countenance
the dispossession of Umkli
lands. In fact, the lands
are no longer Umkli,
although borne as such
in the accounts. They
are virtually enfranchised
lands (Rule XXVIII) although
under Rule XXXVI the
power of alienation

is restricted (see proceedings
of the Chief Commissioners
No. 4266 dated 20th August
1876³⁸).

The land in the
majority of cases
bears nearly the
full survey assessment,
and the "Juni" is very
inappreciable. The
Juni would appear
to

to have been allowed ^{or other process in} satisfaction of judicial
in consideration of the ^{decrees."}
long enjoyment of the
land by the Umbli-dar
family / Para 6 of the
proceedings of the Dewan
dated 16th September 1885.
This Jani, however, is
liable to be revised at
every settlement until,
perhaps, it has disap-
peared altogether (Rule
IV). The Madras practice
is more logical. When
the Umbli land has
been changed with Jodi
for purposes of the
Potgi fund, it becomes
the holder's private
property, and he
has full power to

The last sentence
is put in to remove
the misconception
that now prevails
regarding the power
of the civil courts to
interfere with
Umbli lands.

The provision
has been omitted
in the Potgi Rules
either intentionally
or through oversight
although it is to be
found in the
General Circular
No 5 and in the
rules published
under notification
dated the 23rd June
1869.

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deal with it as such,
as will be seen from
the extract given in
the margin of our page

* "The terms will be that
Government will make him
proprietor of the land, which
will thenceforward have
no further connection with
the office, and be an alienable
piece of property belonging to
the individual; while the
Government will thenceforward
tax the land with land revenue
amounting however not to the
full amount, but only five
eighths of the amount. The
special terms are granted
in consideration of the long
period during which these
lands have been looked
on by the people as quasi-
private property."

159 Chapter
Land Revenue
Establishments
para 191,
Madras
Manual
of the
Administration
Vol. I
This was
also the
view of the
Chief Com-
missioner
when he
sanctioned
the scheme

of land loans
as remuneration for
Hereditary Officers
/ see

98
see para 10 of his letter
at page 30, Dewan's pro-
ceedings dated 15th September
1885) also Rule ~~II~~ at
page 34 of the above
proceedings. But the
other view ultimately
prevailed / see last
sentence of para 2
of Government of India
letter no. 144 dated 10th
July 1874 page 59 of the
above mentioned pro-
ceedings).

10. Under Rule 58 of
the Bombay Hereditary
Officers Act 1874, dismissal
of the officiator is
authorized for "fraud",
wilful framing of
incorrect records,
his

29
habitual neglect of duty,
or other grave misconduct,
and under Section 61
it is ruled that ^{it} shall
be lawful for Government
to direct the forfeiture
of the life interest in
the Vatan of the represent-
-ative vatanidar entitled
to officiate, and "forfeiture
of the whole or any part
of the Vatan or of the
profits thereof," is decreed
only in cases of conviction
by any Court of Session
of any offence in the
discharge of ^{his} official
duties. Section 60. Even
under this severe penalty
I am not sure if
forfeiture means
anything more than

fully assessing the lands ³⁰
and taking them off
the head of Vatan lands.

11. The proceedings of
the Chief Commission
no 927-34-17 dated 9th May
1881 are even more liberal.

They provide that "in
the event of no divided
members with totally
separate interests being
available" the proper
course to pursue is
"to appoint to the office
a stranger for a limited
period, say 10 or 20 years,
with the reversion
of the office at the
end of that term to the
heirs of the dismissed
official."

18/12/86
18/12/86
18/12/86

Kodlin
18/12/86

23
Boulevard
Crisis

perforated
write this
inference
alter
this end
12/30/86
at London
20/1/86

(1/2)

The application
who was the for
never been heard
of any detail of
Kodlin's life
who as influential
as the Dy Lappa
the present position
Boulevard appears to be
well known

that he has been injured
by deprived from
the public of
the public of
he has not committed
any offence
in the course of the
Government which

The government would deprive him
of the right to appear
in the public
up by the Dy Lappa
even there, papers
must be given
done him for
orders

Discontinue all

6. 12-86

since he was put out
the office and he
be restored.

The Deputy
has ordered that
former referred

connected with the
case should be put up and placed before
the Podge officer for
final settlement. 24

It would appear
from the records
that Bussalinga
has been punished
by the Sagar Sub officer
and Magistrate in criminal
cases No 124 and 125
of 1866 for offenses
under Sections 187 & 189
respectively with imprisonment.

These are not offenses
that would deprive
the land from the family.
The chief commissioner
in disposing of the case
had ordered in his No 1743 to the Supt
of 1st July 69 to ~~be informed~~⁵
that the officiator
for the office should
if practicable a collateral
relative of Bussalingappa
and again in appointing
Bijlappa, the present holder
stated that in the absence of a

35

collateral relative
 of Busslingia, that
 the appointment of
 Bylappa should
 hold good. It will
 also be seen from the
 records that the then
 Amildar of Shikarpoor
 reported the name of
 a collateral relative as
 competent for the off.
 Bylappa the present
 holder of Potilly off
 is a perfect stranger
 different in caste
 that of Busslingia
 the dismissed Pot.
 Bylappa contends
 that ~~who is the son~~
~~his~~ ~~has~~ ~~been~~ ~~his~~ ~~son~~
 ation has been as per
 of by the Secy in his
 as above quoted and
 that he should not
 disturbed from off.
 The Dewan in his

+ vide Secy's
 to 3066 of 10 Sept 69
 to the Supt _____

No 927-34 of 9 May/68

lay down that the
proper course is to
limit the appointment
of a stranger to hereditary
office for a period of 10 or 20 years
with the reversion of the office
at the end to the family
of the deceased official.

The period prescribed
by the ~~Law~~ in the above
Proceedings is passed
and the offences committed
by the Bussalingia are
not heinous as would
deprive the land from
the family.

I agree that the offence is not
such ^{as} which either the Ruler or
the recent order of the Chief
of the Denwan would justify
the desirability of the
much less, the depriving
of the family of the land.
But the Chief Court order
in the present case are
explicit that ~~the~~ ^{the} ~~the~~

37

I should be disappointed
as his brother ^{had been} ~~was~~
reported upon unfavorably
the nomination of
~~his brother~~ ^{by father} who by
& unconnected with the
family. I should be
confirmed. The order
of the Surgeon ^{no}
dated May 1881 ^{quoted in the Minutes} cannot
have retroactive effect
In any case this is not
sufficient to me to disturb
the existing arrangement
~~his brother~~ ^{by father} is accordingly
appointed Post and
~~by father~~ ^{by father} & Keelson

38
is dismissed.

Bylappa present.

Basappa's ^{present} present

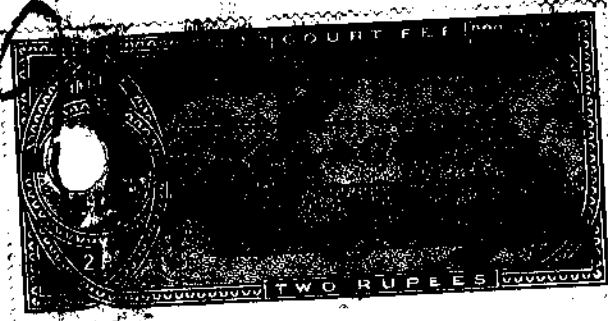
30th/12/87 }
Sorab

One Basappa nephew
of Basappa appears
sister for the day
if Basappa should
be considered as qualified
Basappa's prayer ^{cannot}
be granted for reasons
above recorded

M. M. M. M. M.
D

30th/12/87 }
Sorab

30



2/12/00

H. Sheshadriyer Esq. C.S.D.
 Mwan of Mysore.

Most respectfully sheweth.

That Basappa appa son. Poted
 of Kappanahally Shikarpur
 Taluq.

2. That the petitioner was
 dismissed for having been
 convicted in a Compara-
 - tively trivial Case of

abusing a public servant.
 The said dismissal (being)
 approved by the Standing
 orders and Circulars.

3. That on a representation
 made by the petitioner

Report with reply to 8th of the grounds
 of the Pet. - The facts in the case & the
 & practice in similar cases are reported by

To the Deputy Commissioner for
 (both Paps)

W.

Mr. Lutz & Co. for sale

Mr. Lutz & Co. for sale

Apple and some other trees and fruit

in 1867 -

Apple and other

Apple and other

Apple and other

Apple and other

Apple and other

Apple and other

Apple and other

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Apple and other

257

by repeatedly ~~repeating~~ ^{repeating} the
question

7. The authorities were very
hard on the ~~petitioner~~ petitioner is
apparent from the fact that
the petitioner is deprived of
the Dombli lands.

8. The Law in British
India regarding ~~Servant~~ ^{Servant} lands
in the occupation of dismissed
village servants, is that such
lands are assessed by the Govt
and confirmed to the said
servant while his successor
being paid the money rea-
lized by the assessment,
and the petitioner respect-
fully says, that the Law
in this Province, is to the

test of his knowledge, the same.
9. The Petitioner therefore prays
that if your Honor cannot
grant him any relief re-
specting the appointment of
Votcl, that the Comble lands
may be confirmed in his
possession, and its assess-
ment paid to the present
Votcl.

The Comble lands have been surveyed
and numbered 2, 119, 151, 157, 153^{or}
158, and 161, with an extent of 29. 26
and assessed at \$ 92.

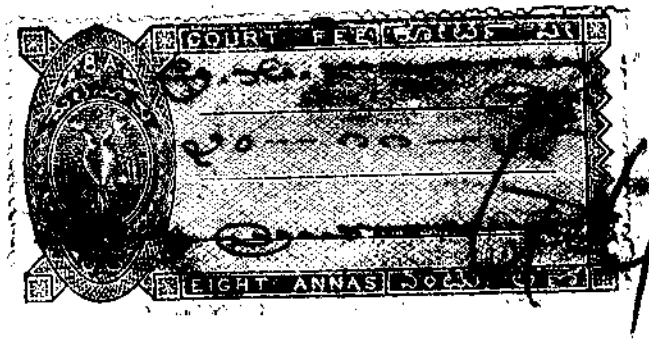
21 Decr/88

Wm. W. W.
Edw. J. Apple

by repeatedly ~~neglecting~~ ^{neglecting} the
question

7. The authorities were very
hard on the ~~peas~~ petitioner is
apparent from the fact that
the petitioner is deprived of
the Bumbli lands.

8. The Law in British
India regarding ~~Indian~~ ^{Indian} lands
in the occupation of dismissed
village servants, is that such
lands are assessed by the Govt
and confirmed to the said
servant while his successor
being paid the money rea-
lized by the assessment,
and the petitioner respect-
fully says, that the Law
in this Province, is to the



To

The office of the Dewan of
Mysore

Appeal no 91888

Appellant: Baxalingappa
Respondent: Bylappa

I the appellant above
named do hereby appoint
Mr. Subramanyam & appear
plead & act for me herein
as my attorney

Accepted

Subramanyam

15/11.

2

424. 25/4

322. 04/4

3/4 20

Handwritten notes and calculations, including a large sum of 190000 and various smaller figures and lines.

45

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ॐ नमो भगवते वासुदेवाय

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W. Ray, Hon

$$\begin{array}{r} \text{U} \\ \text{K} \end{array} \left| \begin{array}{l} .1k \\ .0k \\ .1. \end{array} \right| \begin{array}{l} 66v \\ 66v \\ kuu \end{array}$$

— ॐ नमो भगवते वासुदेवाय —
— ॐ नमो भगवते वासुदेवाय —

$\frac{P_{n+1} \cdot u}{u} = \frac{P_{n+1} \cdot u}{u} -$

[illegible]

ਅੰਤਰਿਕਸ਼ੀਮਾ

کے لئے جو کہ

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— ၁၄၂ —

အထူးအရေးကြီးသောအချက်အလက်များကို ဖော်ပြပါသည်။

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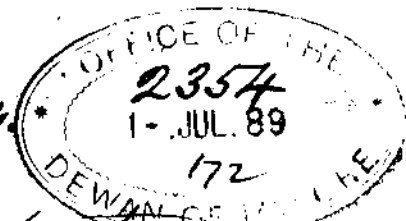
Handwritten signature

62-7-89

Refer
1/7/88

(General Serial No. 20.)

1889



From

*The Deputy Commissioner
Shimoga*

To

The Chief Secretary to the Dewan of Mysore.

L.A. 62-80-2 *(5)*

Dated

25th

Despatched

Received

Enclosures No. -

General No.

188

R No.

172

*In continuation of
this office no ¹²⁵¹108 dated
17th ultimo on the Huppan
halli Pateli case quotes
two additional instances
in which the Pateli
wambli lands have been
transferred to the newly
appointed persons on
the dismissal of their
predecessors.*

10 188
172

49
Shri Jagadish
Deputy Commissioner's Office
Shri Jagadish 25 June 1889.

To

The Chief Secretary to the
Government of Mysore
Bangalore

Sir,

In continuation of
para 22 of the Memorandum
that accompanied my letter
No. 108 dated the 17th of May
1889 on the Hapenhalli
Poteli case, I have the honor
to quote the following two
additional instances in
which the Poteli Embli
lands have been transferred
to the newly appointed persons
on the dismissal of their
predecessors -

1. Rangabhatta, son of

50

Ramabhatta, the Poet of
Bussenkalli and Muddena-
kalli of the Channagiri
Taluk having been charged
with collecting money to bribe
"Karpindars" (Survey Measures),
was in the year 1862 punished
with 6 months imprison-
ment and a fine of Rs 100/64
the Sub Division Magistrate.
The Poet was, on that account,
dismissed and his uncle's
son Pichinabhatta appointed
to the Pateeli by the order of the
Deputy Commissioner No 275
dated 17th December 1868 - The

No.	Extent A. Gun.	Assess ^{mt}	Jose Jardi
7	14-30	Rs 20	Rs 20 - "
40	3-29	Rs 4	Rs 4 - "
32	9-38	Rs 15	Rs 15 - "
81	10-10	Rs 14	Rs 14 - "

Dumbli
lands
as per
Margin
which

were in the possession and

enjoyment of the dismissed
 Patel were by the Deputy
 Commissioner as per order
 No 423 dated 8th December
 1869 transferred to the newly
 appointed Patel, but subse-
 quently on the appointment
 of Gerribhatta the dismissed
 Patel's son to the Pateli,
 the Ambli lands were
 retransferred to his (Gerri-
 bhatta's) possession -

2. Gurayya, son of Kasayya,
 the Patel of Chamrajuri, was
 on the 29th of June 1872 con-
 victed on a charge of theft
 and sentenced to 5 days
 imprisonment by the Taluk
 Magistrate. He was dismissed
 and his Cousin Gurayya,
 son of Kasayya, appointed
 to the Pateli by the Deputy
 Commissioner as per
 order

52

order 2090 of 15th May 1874.

The Umbli lands as per

No.	Area	Appears	Jodi	part
Part of No 97 of Channajini	2 1/2 8.14	No 8.	No 8.	..

Margni

beluch

.. were

in the

Possession and enjoyment
of the dismised Potel were
by the Deputy Commissioner
order 1411 of the 15th February
1879 transferred to the
newly appointed Potel. But
at the Potgi settlement, Gurayya's
claim to the Poteli was set
aside in favor of one Murgiya,
who had better claims to the
Poteli than Gurayya - The
possession of the Umbli lands
however still remains
with Gurayya -

I have the honor to be
Sir.

Your Most Obedient Servt

M. Madhainabha

Deputy Commissioner

..

53

6

Petition no. 2203 dated
21st Decr. 1888

d. 12-28-3

Petitioner - Basava Lingappa
late Patel of
Kappanahalli
Shikarpur, Taluk,
Shirga District.

The Petitioner was dismissed
in 1866 on the ground that
he was convicted under
Sections 189 & 187 of the
Indian Penal Code with
threatening a Public Ser-
vant with injury and
wilfully neglecting his
a Public servant in the
discharge of his public duty.
The dismissal was confirmed
by the Deputy Mag. in 1868
and the appointment
was conferred on a stranger
named Bylappa in 1866
and the income land
attached to the office were
made over to him

~~Barava Lingappa~~
ment in 1886, Petitioner
claimed the office,
but the Dy. Commr. declined
to restore him to the office
in the face of
the Chief Commr's explicit
orders to the contrary.
Bylappa still continues to hold the appointment.

2. Petitioner presented
a petition to the Dewan
in Decr. 1888 requesting
that if he cannot be
restored to his appointment,
the income lands attached
to the office might be
left in his possession,
the assessment being
made payable to the
office holder.

3. The Dy. Commr. reports
that Bylappa has no right
either to the Patehi or to
the lands and that
there will be no hardship
in restoring the family
'Umbli' lands to Petitioner
Barava Lingappa.

4. In future cases ^{if any} the
~~be desirable to~~ ^{be desirable to} ~~cancel~~ ^{cancel}
the

54

53

name tenure' and
 leaving the dis mixed
 man in possession of
 the 'Amblu' lands on
 full assessment ~~will~~
~~receive due considera-~~
~~-tion~~, but in the present
 case the Govt consider it
 expedient to oust the
 Officer out of the land
 in his possession for ~~20~~
 twenty years. To do so
 would be more unjust
 than the injustice now
 twenty years old com-
 -plained of by the Petn.
 the petitioners

Print
Draft
 22-12-92

Chief Secretary
 30/12

21/12/92
 21/12/92

9945 211 12
 No Pet-A 232-92 11 1-93.

Copy forwarded to the Dy:
 Commr Shemoga Distt with
 the Govt Papers sent with his No

108 2/17/5/89
 98

not.
 The Petn informed that the Govt
 consider it expedient to oust
 the Officer out of the land in
 his possession for 20 yrs. The
 Petn is ~~revised~~

20/12/92

Submitted
Draft for approval
N

12.3

No. 2203

56

⑦

GOVERNMENT OF MYSORE

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,

24 December 1892.
11 — 3 — 93.

Endorsement granted to *Narasalingappa Late Patel*
of *Kappanahalli*. *Shikarpur Taluk*
in reply to his Petition Registered No. 2203 dated 21 Dec. 1888

— *DL. 62-88-4*

Petitioner is informed that *The Govt. considers it inexpedient*
to put the Officiation out of the lands in
his possession for over twenty years.

2. *The petition is rejected.*

"By Order,"

draft.

Chief Secretary.